

REMARKS

In the subject office action, the Examiner rejected claims 60-79 under 35 USC 102, as being fully anticipated by Harris et al (U.S. Patnt 6,118,986).

In response, as discussed with the Examiner in the telephone interview on October 29, 2002, Applicants respectfully disagree with the Examiner's reading of the claims and the teachings of Harris. In particular, Applicants respectfully disagree with the "common" meaning the Examiner attributes to the terms "cover" and "card", and the terms "themes" and "functions", in contrary to the meanings of these terms as understood by those ordinarily skilled in the art, as prescribed by well established case law.

Nevertheless, Applicants thank the Examiner for granting the interview. Further, in the interest of expeditiously concluding prosecution, Applicants have amended claims 60-79 such that the issues of whether a "card" may be read as a "cover", and whether a "function" may be read as a "theme" are avoided, and therefore, need not be addressed.

In other words, the amendments entered by the Applicants are not to be read as Applicants agreement with the Examiner's position on these issues. These issues are hereby simply avoided, and Applicants hereby explicitly reserve the rights to pursue additional claims in continuation and/or divisional applications where one or both of these issues may need to be re-addressed.

Turning now to the amendments, independent claim 60 has been amended to require that the ***interchangeable cover*** to include (a) ***an exterior surface non-***

functionally decorated to provide the mobile phone with one or more visually perceivable attributes of a non-functional theme and (b) an electronic component embedded within the interchangeable cover, and having data stored therein for customizing functions of the mobile phone to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover to jointly effectuate the non-functional theme.

Support of these amendments may be found e.g. on the bottom third of page 7, the last four lines of page 8 and the first three lines of page 9.

Further, independent claim 70 has been amended to require (a) ***the body portion*** to include ***a first plurality of exterior surfaces disposed on a first plurality of geometric planes***, and (b) the ***interchangeable cover portion*** (having the electronic component containing the data to modify the functionalities of the phone) to include ***a second plurality of surfaces disposed on a second plurality of geometric planes covering at least a portion of each of at least two of said first plurality of exterior surfaces of the body portion.***

Support for these amendments may be found e.g. in Fig. 1 and its description (the body of a phone having multiple exterior surfaces is inherent of the illustrated “phone”), and the last paragraph of page 10 running into the first two lines of page 11.

Independent claim 75 has been amended to require that (a) the ***interchangeable cover*** (having an embedded component with data to modify functionalities of the phone) to include ***a contactless coupler***, and (b) the ***body*** of the mobile phone to include a complementary ***contactless coupler interface***. The two “contactless” couplers

facilitate coupling and provision of the data from the electronic component to one of the components housed by the body to modify functionalities of the mobile phone.

Support for these amendments may be found in Fig. 3 and its corresponding description on page 11.

Similar supports may be found for the amendments entered for the dependent claims.

Accordingly, all amendments are fully supported by the original disclosure.

Turning now to the rejections.

Harris teaches a compact portable communication device with two housing sections, which can operate in a closed or an open position. When operated in the open position, a removable user interface card can be inserted to provide additional functionalities to the communication device. (See abstract, and figures 3-4, 9-10, and 11-14). For example, for the embodiments illustrated by figures 3-4 and 9-11, larger input keys may be provided. For the embodiments of Fig. 12-14, games, pager and calculator functions may be provided. Examples of removable user cards, per Harris, are subscriber identity module (SIM), debit cards, bank or credits cards (col. 1, lines 16-22). In one embodiment, the removable user interface card substantially spans the entire interior surfaces of the two housing sections re-exposed by virtue of the communication device being placed into the open position. The advantage is the communication device may be made smaller when closed, ½ of the size when opened.

Thus, even without addressing the issues whether a “card” can be read as a “cover” and a “function” can be read as a “theme”, Harris clearly fails to anticipate the

required limitations of amended independent claim 6 of (a) **non-functionally decorating an exterior surface of an interchangeable cover to provide the mobile phone with one or more visually perceivable attributes of a non-functional theme**, and (b) **an electronic component embedded within the interchangeable cover, and having data stored therein for customizing functions of the mobile phone to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover to jointly effectuate the non-functional theme.**

Thus, amended independent claim 60 is not anticipated and therefore patentable over Harris.

Claims 61-69 are dependent on claim 60 incorporating its limitations. Therefore, for at least the same reason, claims 61-69 are patentable over Harris.

With respect to claim 61, it is further patentable over Harris, because Harris fails to teach the required limitation of the ***interchangeable cover*** identifying its ***theme group membership***. Contrary to the Examiner's assertion, no such teachings can be found in the cited passage (even if the amended "theme" qualification is excluded). The cited passage (col. lines 41-57) merely disclosed in one instance, the "identity module" providing the identity of the subscriber, and in other instances providing the instructions the implement the functions (i.e. game, pager, and calculator). Providing identity of the subscriber is clearly not providing theme group membership. Providing the instructions that implement a function is not the same as identifying the function. The processor

may execute the provided instructions without ever knowing the identity or nature of the function the instructions implement.

Claim 63 is also further patentable over Harris. Again without having to resolve whether a “card” may be read as a “cover”. Consistent with the “card” examples given, all “card” embodiments illustrated occupy only one geometric plane. Accordingly, Harris further fails to anticipate a “cover” with the above described attributes (i.e. having an external surface non-functionally decorated for a theme, and embedded logic to modify functionalities of a phone to operate with characteristics complementary to the “attributes” of the decorations to jointly effectuate the theme), ***that covers multiple surfaces of the phone of multiple geometric planes.***

Claim 64 is further patentable over Harris, because Harris failed to teach a ***“contactless” coupling*** between the body and a cover of a phone.

Claims 65-69 are also further patentable over Harris by virtue of their respective additional limitations, i.e.

(a) in the case of claim 65, a phone number, a resource server specification, an email address, an electronic coupon, a font style, an identifier identifying the interchangeable cover, or an approval code;

(b) in the case of claim 66, a pointer to an audio file or an audio file;

(c) in the case of claim 67, a voice greeting;

(d) in the case of claim 68, an audio file;

(e) in the case of claim 69, a pointer to a video file or a video file.

Harris in general, and the cited passage in particular, merely teaches the provision of the identity of a subscriber, and the instructions to implement a game, a

pager and a calculator function. None of these are equivalent to the various data enumerated in claim 65. They also do not anticipate audio files, voice greetings, ring tones, and video files. (Neither a SIM, a game, a pager function nor a calculator function inherently includes an audio file, a voice greeting, a ring tone or a video file.)

With respect to independent claim 70, it has been amended to require the “interchangeable cover” to cover multiple surfaces of different geometric planes of the “body”. As discussed earlier, Harris fails to anticipate such “cover”. Accordingly, claim 70 is patentable over Harris.

Claims 71-74 are dependent on claim 70 incorporating its limitations. Therefore, by virtue of their dependencies, for at least the same reason claim 70 is patentable over Harris, claims 71-74 are patentable over Harris.

Claims 71-74 contain additional limitations. For at least the same reasons discussed earlier for claims 63, 66 and 69, claims 71-74 are further patentable over Harris.

With respect to independent claim 75, it has been amended to require the “body” and the “interchangeable cover” to “couple” via “contactless couplers”. As discussed earlier, Harris fails to anticipate such “cover”. Accordingly, claim 75 is patentable over Harris.

Claims 76-79 are dependent on claim 75 incorporating its limitations. Therefore, by virtue of their dependencies, for at least the same reason claim 75 is patentable over Harris, claims 76-79 are patentable over Harris.

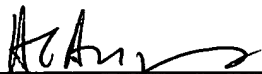
Claims 76-79 contain additional limitations. For at least the same reasons discussed earlier for claims 63, 66 and 69, claims 76-79 are further patentable over Harris.

In conclusion, the amended pending claims are now all in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

If any additional fee is required, please charge Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt

Dated: 11/14, 2002

By: 
Aloysius AuYeung
Registration No. 35,432

10260 SW Greenburg Rd.
Suite 820
Portland, OR 97223
Phone: (503) 595-2800

VERSION WITH MARKING TO SHOW CHANGES MADE

60. (Once Amended) A mobile phone comprising:

a body including a processor to execute one or more programming instructions;

an interchangeable cover to mate with the body, covering at least a portion of the body, with the interchangeable cover having an exterior surface non-functionally decorated to provide the mobile phone with one or more visually perceivable attributes of a non-functional theme ~~associated with a selected one of a plurality of themes and designed to at least partially cover the body;~~

an electronic component embedded within the interchangeable cover, and having thematic data stored therein for customizing ~~behavioral aspects~~ functions of the mobile phone to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover to jointly effectuate the non-functional theme in accordance with the selected theme; and

first and second contacting means correspondingly disposed on ~~coupled to the~~ body; and

~~second contacting means coupled to the interchangeable cover , which when engaged with the first contacting means to~~ facilitates exchange of provision of the data stored within the electronic component of the interchangeable cover to with the processor of the body to tailor the operation of the mobile phone in based upon the selected theme.

61. (Once Amended) The mobile phone of claim 60, wherein the electronic component of the interchangeable cover comprises data identifyingies to the processor of the body, which group of a plurality of interchangeable covering groups the corresponding interchangeable cover is a member of, each interchangeable covering group having a non-functional theme.

62. (Amended) The mobile phone of claim 60~~1~~, wherein ~~each member of a given interchangeable covering group provides thematic operation in accordance with a shared theme~~the interchangeable cover is a faceplate covering at least a portion of a front exterior surface of the body.

63. (Amended) The mobile phone of claim 60, wherein the interchangeable cover is a ~~selected one from a covering group comprising at least one of an interchangeable rigid faceplate and an interchangeable skin, each having a surface design to be complemented by said tailored thematic operation~~ covering at least a portion of each of a plurality of exterior surfaces of the body disposed on different geometric planes.

64. (Amended) The mobile phone of claim 60~~3~~, wherein said interchangeable cover engages and said body by way comprises ~~of one of a contact coupler and a contactless coupler and a contactless coupler interface respectively.~~

65. (Amended) The mobile phone of claim 60~~3~~, wherein the data-exchanged comprises at least one of ~~a name~~, a phone number, a resource server specification, an email

address, an electronic coupon, a font style, an identifier identifying the interchangeable cover, and an approval code.

66. (Amended) The mobile phone of claim 603, wherein the data-exchanged comprises a selected one of a pointer to an audio data file and a audio data file, to where the audio data file complements the visually perceivable attributes of the non-functional theme associated with provided by the non-functional decorations of the exterior surface of the interchangeable cover.

67. (Amended) The mobile phone of claim 66, wherein the audio data file facilitates modification of a default voice greeting of the mobile phone to a voice greeting that is complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover.

68. (Amended) The mobile phone of claim 66, wherein the audio data file facilitates modification of ring tones of the mobile phone to ring tones that are complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover.

69. (Amended) The mobile phone of claim 603, wherein the data exchanged-comprises at least a selected one of a pointer to a screen saver, a pointer to a video data file, a screen saver and a video data file, where the screen saver/video data file - iste

complementary to the visually perceivable attributes of the non-functional theme
~~associated with~~ provided by the non-functional decorations of the exterior surface of the
interchangeable cover.

70. (Amended) A mobile phone comprising:

a body portion including a processor to execute one or more programming
instructions, the body portion having a first plurality of exterior surfaces disposed on a
first plurality of geometric planes;

an interchangeable cover portion having an electronic component embedded
therein, said electronic component containing data ~~associated with a selected one of a~~
~~plurality of themes stored therein~~ for modifying functionalities of the mobile phone, and
the interchange cover having a second plurality of surfaces disposed on a second
plurality of geometric planes covering at least a portion of each of at least two of said
first plurality of exterior surfaces of the body portion; and

an interface to facilitate ~~exchange provision~~ of the thematic data between from
the electronic component embedded in the interchangeable cover and to the processor
of the body portion to ~~customize one or more operational aspects~~ modify functionalities
of the mobile phone ~~in accordance with the selected theme.~~

71. (Amended) The mobile phone of claim 70, wherein the electronic component
identifies to the body portion, which group of a plurality of interchangeable covering
groups the corresponding interchangeable cover ~~portion~~ is a member of.

72. (Amended) The mobile phone of claim 70~~1~~, wherein ~~each member of a given group of interchangeable coverings provides thematic operation in accordance with a shared theme~~the first plurality of exterior surfaces of body portion comprise at least an exterior front surface, an exterior back surface, and a plurality of exterior end surfaces, and the interchangeable cover comprises at least two surfaces covering at least a portion of one of the exterior front and back surfaces and at least a portion of one of the end surfaces of body portion.

73. (Amended) The mobile phone of claim 70, wherein the first plurality of exterior surfaces of body portion comprise at least an exterior front surface, an exterior back surface, and a plurality of exterior side surfaces, and the interchangeable cover comprises at least two surfaces covering at least a portion of one of the exterior front and back surfaces and at least a portion of one of the side surfaces of body portion~~the interchangeable cover portion is a selected one from a covering group comprising at least one of an interchangeable rigid faceplate and an interchangeable skin, each having a surface design to be complemented by said tailored thematic operation.~~

74. (Amended) The mobile phone of claim 73, wherein ~~the data exchanged comprises at least one of~~a pointer to audio data file, a pointer to a video data file, a pointer to graphics data file, a pointer to a text data file, a pointer to a mixed media file, an audio data file, and a video data file, a graphics data file, a text data file, and a mixed media file.

75. (Amended) A mobile phone comprising:

a body to house a plurality of components of the mobile phone including a contactless coupler interface; and

an interchangeable covering to mate with the body, including an electronic component embedded in the cover, having data encoded therein and a contactless coupler, the interchangeable covering being removably engaged with the body to facilitate exchange of coupling with the contactless coupler interface of the body and provision of the data between from the electronic component to one of the components housed by the body and the electronic component resulting in tailored thematic operation of to modify functionalities of the mobile phone based at least in part upon the encoded data.

76. (Amended) The mobile phone of claim 75, wherein the electronic component of the interchangeable cover comprises data identifyingies to the body, which group of a plurality of interchangeable covering groups the corresponding interchangeable cover is a member of.

77. (Amended) The mobile phone of claim 76, wherein the interchangeable cover is a faceplate covering at least a portion of a front exterior surface of the bodyeach member of a given group of interchangeable coverings provides thematic operation in accordance with a shared theme.

78. (Amended) The mobile phone of claim 75, wherein the interchangeable covering is a-n interchangeable skin covering at least a portion of each of a plurality of exterior surfaces of the body disposed on different geometric planes. ~~selected one from a covering group comprising at least one of an interchangeable rigid faceplate and an interchangeable skin, each having a surface design to be complemented by said tailored thematic operation.~~

79. (Amended) The mobile phone of claim 78, wherein the data exchanged comprises at least one of a pointer to audio data file, a pointer to a video data file, a pointer to graphics data file, a pointer to a text data file, a pointer to a mixed media file, an audio data file, a video data file, a graphics data file, a text data file, and a mixed media file ~~an audio data file and a video data file.~~